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OFFICE OF PETITIONS
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In re Application of
Roe-Hoan Yoon
Application No. 09/327,266
Filed: June 7, 1999
Attorney Docket No. MCT-2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 6, 2000, to revive the above-identified application. In view of the allegation in the petition of the timely filing of a reply and the evidence submitted in support thereof, the petition is more properly a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **Granted**.

The above-identified application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed July 15, 1999. The Notice set a period for reply of two (2) months from the mail date of the Notice.

Petitioner stated in the petition that the original declaration was filed with the new application. After reviewing the application, the declaration asserted to have been filed with the application is in fact in the application. Therefore, the requirement for an oath or declaration made in the Notice of July 15, 1999 was improper. Accordingly, the Notice of July 15, 1999 is vacated.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Accordingly, petitioner may request a refund the petition fee of \$620 by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

The Office sincerely apologizes for the inconvenience caused petitioner in this matter.

This application is being returned to the Office of Initial Patent Examination Division for Preexamination Processing.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.



Frances Hicks

Lead Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy